

CERTIFICATE OF MAILING

I hereby certify that this response and transmittal in Docket No. TOS-123-USA-C, Serial No. 09/147,237 is being deposited with the

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Assistant Commissioner for Patents
Washington, D.C 20231

on February 11, 2002.

Donald E. Townsend

A handwritten signature in dark ink, appearing to read "Donald E. Townsend", written over a horizontal line.



Serial #: 09/147,237

Filed: 4/20/99

Inventor: E. Yagci, et al

Docket No. TOS-123-USA-C

COMMISSIONER OF PATENTS & TRADEMARKS

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Please acknowledge receipt of the following items by date stamping,
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| <input checked="" type="checkbox"/> | Transmittal in duplicate |
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| <input type="checkbox"/> | Amendment |
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| <input type="checkbox"/> | Assignment, Cover Sheet & Check for \$40 |
| <input type="checkbox"/> | Transmittal and Certified Copy of priority application |
| <input type="checkbox"/> | Information Disclosure Statement, PTOL 1449 and references |
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Thank you,

TOWNSEND & BANTA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

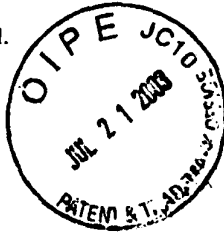
IN RE THE APPLICATION OF: E. Yagi, et al.

SERIAL NO.: 09/147,237

FILED: April 20, 1999

TITLE: Immunopotentiators

THE COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231



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JUL 25 2003

TECH CENTER 1600/2900

GROUP: 1651

EXAMINER: F. Prats

SIR:

TRANSMITTED HERewith IS AN ☐ AMENDMENT, ☐ REPLY, ☒ RESPONSE AFTER FINAL REJECTION IN THE ABOVE-IDENTIFIED APPLICATION.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

THE FEE HAS BEEN CALCULATED AS SHOWN BELOW:

CLAIMS	REMAINING AFTER AMENDMENT		HIGH.# PREV. PAID FOR	PRESENT EXTRA	SMALL ENTITY RATE ADD'L FEE	OTHER THAN A SMALL ENTITY RATE ADD'L FEE
TOTAL	7	MINUS	20	= 0	X9=\$	X18=\$0
INDEP.	2	MINUS	3	= 0	X42=\$	X84=\$0

<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		+140=\$	+280=\$
	TOTAL ADD'L FEE		-0-

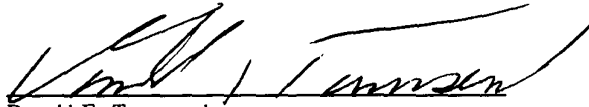
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1424. A duplicate copy of this sheet is attached.

- ☒ Any additional filing fees under 37 C.F.R. 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any extensions of time under 37 C.F.R. 1.17.

☐ Please charge my deposit account No. 20-1424 in the amount of \$

☐ A check in the amount \$ -0- is attached.

Date: February 11, 2002


Donald E. Townsend
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Registration No. 22,069

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DOCKET NO. TOS-123-USA-C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
E. YAGI, et al.

Serial No.: 09/147,237

Art Unit: 1651

Filed: April 20, 1999

Examiner: F. Prats

For: Immunopotentiators

RESPONSE AFTER FINAL REJECTION

NON-FEE AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

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Sir:

Responsive to the official final Office Action mailed December 10, 2001, in the matter of the above-identified application, applicant hereby responds as follows:

REMARKS

Reconsideration is respectfully requested of the rejection of Claims 1-4 and 15-17 under 35 U.S.C. § 102(b) as being anticipated by N'Guyen, et al., U.S. Patent 5,023,235.

Applicants hereby traverse the final rejection of Claims 1-4 and 15-17 on N'Guyen on the ground that the final rejection is contrary to a number of well settled principles of patent law. Each of these principles and the proper application of the law in this case is discussed hereinafter as follows:

The first issue presented is whether the N'Guyen reference is considered as a whole in the final rejection. Applicants respectfully submit that the answer is in the negative because the final rejection completely disregards major portions of the N'Guyen